

1 David M. Given (State Bar No. 142375)  
2 PHILLIPS, ERLEWINE, GIVEN & CARLIN LLP  
3 39 Mesa Street, Suite 201  
4 The Presidio  
5 San Francisco, CA 94129  
6 Tel: 415-398-0900  
7 Fax: 415-398-0911  
8 Email: dmg@phillaw.com  
9 nac@phillaw.com  
10 chk@phillaw.com

11 Michael J. von Loewenfeldt (State Bar No. 178665)  
12 KERR & WAGSTAFFE LLP  
13 100 Spear Street, 18<sup>th</sup> Floor  
14 San Francisco, CA 94105  
15 Tel: 415-371-8500  
16 Fax: 415-371-0500  
17 Email: myl@kerrwagstaffe.com

18 Interim Co-Lead Counsel for Plaintiffs

19 UNITED STATES DISTRICT COURT  
20 NORTHERN DISTRICT OF CALIFORNIA

21 MARK OPPERMAN, et al.,  
22  
23 Plaintiffs,  
24  
25 v.  
26  
27 PATH, INC., et al.,  
28 Defendants.

Case No: 13-cv-00453-JST

**CLASS ACTION**

**NOTICE OF SETTLEMENT;**  
**[PROPOSED ORDER]**

THIS DOCUMENT RELATES TO ALL CASES  
*Opperman v. Path, Inc.*, No. 13-cv-00453-JST  
*Hernandez v. Path, Inc.*, No. 12-cv-1515-JST  
*Pirozzi v. Apple, Inc.*, No. 12-cv-1529-JST  
*Espitia v. Hipster, Inc.*, No. 13-cv-0432-JST  
(collectively, the “Related Actions”)

Plaintiff Rachelle King and defendant Foodspotting, Inc., through their respective undersigned counsel, hereby notify the Court that they have executed a Memorandum of Understanding evidencing an agreement in principle, under which Foodspotting will pay the total sum of Two Hundred Thousand (\$200,000.00) Dollars and No Cents in exchange for a full and complete release of all claims brought against it in this lawsuit.

1 The proposed settlement will be memorialized in a complete written settlement  
2 agreement and related documents, which the parties will endeavor to file with the Court as part  
3 of a motion for preliminary approval as soon as practicable, but no later than 120 days from  
4 today's date. The timing of same may be impacted by other proceedings in this action,  
5 including the filing of contested class certification motion(s). The parties proposed settlement  
6 is expressly subject to and conditioned upon the completion of the written agreement, and  
7 obtaining preliminary and final approval from this Court.

8  
9 Dated: November 18, 2015

By /s/ David M. Given  
David M. Given  
PHILLIPS, ERLEWINE, GIVEN & CARLIN LLP  
39 Mesa Street, Suite 201  
The Presidio  
San Francisco, CA 94129  
Tel: 415-398-0900  
Fax: 415-398-0911

By /s/ Michael J. von Loewenfeldt  
Michael J. von Loewenfeldt  
KERR & WAGSTAFFE LLP  
101 Mission Street, 18<sup>th</sup> Floor  
San Francisco, CA 94105  
Tel: 415-371-8500  
Fax: 415-371-0500

*Interim Co-Lead Counsel for Plaintiffs*

19  
20 Dated: November 18, 2015

By /s/ Michael H. Page  
DURIE TANGRI LLP  
217 Leidesdorff Street  
San Francisco, CA 94111  
Tel: 415-362-6666  
Fax: 415-236-6300

*Counsel for Defendant Foodspotting, Inc.*

25 ///  
26 ///  
27 ///  
28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**[PROPOSED] ORDER**

PURSUANT TO THE FOREGOING, IT IS SO ORDERED.

Dated: \_\_\_\_\_, 2015

\_\_\_\_\_  
Hon. Jon Tigar  
United States District Judge

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ATTESTATION**

I, David M. Given, am the ECF user whose identification and password are being used to file the instant notice. Pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that all counsel whose electronic signatures appear above provided their authority and concurrence to file this document

/s/ David M. Given

Attorneys for Plaintiff